

PETER C. ANDERSON
UNITED STATES TRUSTEE
KENNETH M. MISKEN
ASSISTANCE UNITED STATES TRUSTEE
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TRIAL ATTORNEY
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re:

**THE LITIGATION PRACTICE GROUP,
P.C.,**

Debtor.

CASE NUMBER: 8:23-bk-10571-SC

CHAPTER 11

**APPLICATION FOR ORDER APPROVING
APPOINTMENT OF TRUSTEE AND FIXING
BOND**

[NO HEARING REQUIRED]

The United States Trustee hereby applies to the Court pursuant to Fed. R. Bankr. P. 2007.1 for an Order Approving Appointment of Trustee, and in support thereof, states as follows:

1. The United States Trustee has appointed Richard A. Marshack Trustee in the above captioned case on May 5, 2023.

2. Counsel for the United States Trustee has consulted with the following parties in interest regarding the appointment of the Trustee:

a. Counsel for the Debtor, Joon Khang.

b. Counsel for Debt Validation Fund II, LLC, MC DVI Fund 1, LLC and MC DVI Fund 2 LLC ("Debt Validation"), Richard Golubow.

1 c. Counsel for Validation Partners LLC, Joel S. Magolnick and its Representative, Russ
2 Squires

3 3. To the best of the United States Trustee's knowledge, the Trustee's connections with the debtor,
4 creditors, any other parties in interest, their respective attorneys and accountants, the United States
5 Trustee, and persons employed in the Office of the United States Trustee, are limited to the connections set
6 forth in the Declaration of Interestedness of Richard Marshack filed in support of this Application.

7 WHEREFORE, the United States Trustee requests that the Court enter an Order Approving
8 Appointment of **Richard A. Marshack** as Trustee in the above-captioned case.

9
10 Dated: May 5, 2023

/s/ Kenneth M. Miskin
Kenneth M. Miskin
Assistant United States Trustee

RICHARD A. MARSHACK
rmarshack@marshackhays.com
MARSHACK HAYS LLP
870 Roosevelt Avenue
Irvine, CA 92620
Telephone: (949) 333-7777
Facsimile: (949) 333-7778

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re

THE LITIGATION PRACTICE GROUP
P.C.,

Debtor.

Case No. 8:23-bk-10571-SC

Chapter 11

DECLARATION OF DISINTERESTEDNESS
OF RICHARD A. MARSHACK, PROPOSED
CHAPTER 11 TRUSTEE

I, RICHARD A. MARSHACK, declare as follows:

1. I am the proposed Chapter 11 Trustee of the above-entitled case. I am also an attorney at law duly admitted to practice before all courts of the State of California, as well as this court and the courts of appeal for the Ninth Circuit. The following testimony is within my personal knowledge and if called to testify, I could and would competently testify thereto.

2. I have been nominated as the Chapter 11 Trustee in the above-captioned case.

3. I meet the criteria set forth in 11 U.S.C. § 321 in that I have an office in the judicial district in which this case is pending. My office is located at 870 Roosevelt Avenue, Irvine, California 92620.

1 4. I have not served as an examiner in this case.

2 5. I have complied with the requirement of 11 U.S.C. §322 as I have filed a bond
3 with the Bankruptcy Court of the United States that is conditioned on my faithful performance of
4 my official duties.

5 6. I am a partner in the firm of Marshack Hays LLP (the “Firm”), a law firm with an
6 emphasis in matters before the United States Bankruptcy Court. The law members of the Firm
7 have extensive experience in bankruptcy, insolvency, corporate reorganization and
8 debtor/creditor law.

9 7. I am familiar with the Bankruptcy Code, the Federal Rules of Bankruptcy
10 Procedure and the Local Bankruptcy Rules and shall comply with them during the administration
11 of this case.

12 8. I hereby verify that I have no connections with the debtor(s), creditors, any other
13 parties in interest, their respective attorneys and accountants, the United States Trustee, or any
14 person employed in the Office of the United States Trustee, except as follows: I was the Chapter
15 7 Trustee in a case filed by Tony Diab (“Mr. Diab”) on May 28, 2019, Case No. 8:19-bk-12034-
16 CB. At the time of filing his petition, Mr. Diab was unemployed. On February 5, 2020, I filed a
17 No Distribution Report and on February 19, 2020, the Court closed his case. I am advised that he
18 is not a current officer or employee of the Debtor but he did receive compensation as an
19 independent contractor in 2022.

20 9. I have reviewed the schedules, statements, and docket and I do not have any
21 conflicts.

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1 10. To the best of my knowledge, neither my firm nor I hold any interest materially
2 adverse with the Debtor, the Debtor's attorneys or accountants, the Debtor's creditors, nor any
3 other party in interest, nor their respective attorneys or accountants. If additional information
4 comes to my attention that changes these facts, I will advise the Court and the United States
5 Trustee immediately.

6 I declare under the penalty of perjury under the laws of the United States of America, that
7 the foregoing is true and correct. Executed on May 5, 2023.

8 
9 RICHARD A. MARSHACK

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

411 West Fourth Street, Suite 7160, Santa Ana, CA 92701

A true and correct copy of the foregoing document entitled (*specify*):

APPLICATION FOR ORDER APPROVING APPOINTMENT OF TRUSTEE AND FIXING BOND

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) **May 8, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On (date) **May 8, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) **May 8, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 8, 2023
Date

Queenie Ng
Print Name

/s/ Queenie Ng
Signature

ADDITIONAL SERVICE INFORMATION

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

| <u>Name</u> | <u>Capacity</u> | <u>Email Address</u> |
|--------------------|------------------------------------|--|
| Byron Moldo | | bmoldo@ecjlaw.com |
| Ronald Brown | SDCO Tustin Executive Center, Inc. | ron@rkbrownlaw.com |
| Joon Khang | Debtor's Attorney | joon@khanglaw.com |
| Shawn Christianson | | cmcintire@buchalter.com |
| Alan Nahmias | | anahmias@mbn.law |
| Garrick Hollander | MC DVI Fund 1, LLC | ghollander@wghlawyers.com |
| Paul Shankman | | PShankman@fortislaw.com |

SEE NEF FOR CONFIRMATION OF ELECTRONIC TRANSMISSION TO THE U.S. TRUSTEE AND ANY TRUSTEE IN THIS CASE, AND TO ANY ATTORNEYS WHO RECEIVE SERVICE BY NEF.

2. **SERVED BY U.S. MAIL**

Debtor:
The Litigation Practice Group P.C.
17542 17th St., Suite 100
Tustin, CA 92780

The Litigation Practice Group P.C. (new address provided at § 341(a) meeting held on 5/2/23)
17291 Irvine Blvd., # 101
Tustin, CA 92780

3. **SERVED BY (state method for each person served):**

PERSONAL DELIVERY, FACSIMILE OR EMAIL

Judge's Copy

Honorable Scott C. Clarkson – bin on the 5th Floor